

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**SMALL DOMESTIC USE REGISTRATION**

**RENEWAL ORDER FOR CERTIFICATE NO. R444**

Application D30876R of Douglas F. Avery was filed with the State Water Resources Control Board (SWRCB) on April 23, 1999. The SWRCB issued Certificate No. R444 on June 10, 1999.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of chapter 1, part 2, division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to April 22, 2009, based on the above-stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate and any previous amendments.



*Victoria A. Whitney, Chief  
Division of Water Rights*

Dated: **JUL 28 2004**

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 444

Application 30876R of Douglas F. Avery

21206 Almaden Road, San Jose, CA 95120-4304

filed with the State Water Resources Control Board on April 23, 1999 meets the requirements for registration of small domestic use specified in Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code. The appropriation is subject to the following conditions.

1. Source:

Tributary to:

Unnamed Stream

Black Rock Creek thence

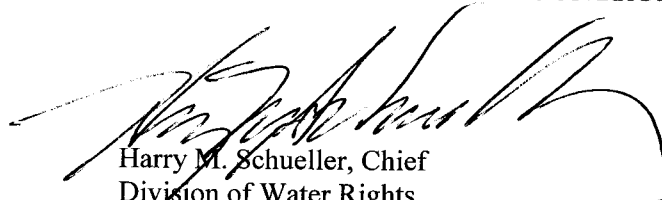
Hastings Creek thence

South Fork American River

2. Location of Point of Diversion: By California Coordinate System, Zone 2	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
#1-North 446,750 feet and East 2,295,250 feet	SE¼ of SW¼	15	12N	9E	MD
#2-North 446,450 feet and East 2,295,450 feet	SE¼ of SW¼	15	12N	9E	MD
#3-North 446,300 feet and East 2,295,600 feet	SE¼ of SW¼	15	12N	9E	MD

County of El Dorado

20. This registration does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the registrant shall obtain an incidental take permit prior to construction or operation. Registrant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this registration.
21. This registration is subject to the submittal of a report of water use and satisfactory renewal of the registration, on forms to be furnished by the State Water Resources Control Board, including payment of the then-current renewal fees prior to the expiration of each five-year period following the date of first filing the completed registration.
22. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Resources Control Board, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user of the water involved.
23. The appropriation registered herein shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
24. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the State Water Resources Control Board if 1) the Board finds that the registrant knowingly made any false statement, or knowingly concealed any material fact, in the registration; 2) the registration is not renewed as required by the conditions of this certificate; or 3) the Board finds that the registrant is in violation of the conditions of this registration.
25. In the event that water is to be collected to storage under this registration, the Registrant shall install and maintain an outlet pipe of adequate size and capacity through the dam, as near as practicable to the bottom of the natural stream channel so that water that is not authorized for collection to storage can be bypassed through the dam. In the event that the dam is already constructed, registrant shall provide other means satisfactory to the Chief of the Division of Water Rights for bypassing water. Before storing water in the reservoir, registrant shall provide evidence that substantiates that the outlet pipe or other means of bypassing water has been installed. Evidence shall include photographs showing the completed works or a certification by a registered engineer. The facilities shall be maintained and operated to ensure compliance with the terms of this registration.

Dated: **JUN 10 1999****STATE WATER RESOURCES CONTROL BOARD**

Harry M. Schueller, Chief  
Division of Water Rights